

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRUCE PARKER, A/K/A
BRUCE-X,

Plaintiff,

v.

UNKNOWN LEBRON,
Defendant.

/

Case No. 21-12328

F. Kay Behm

United States District Judge

Curtis Ivy, Jr.

United States Magistrate Judge

ORDER ON OUTSTANDING MATTERS (ECF Nos. 31; 44; 49)

Plaintiff Bruce Parker, proceeding without the assistance of counsel, filed this case on September 21, 2021. (ECF No. 1). This case has been referred to the undersigned for all pretrial matters. (ECF No. 58). This matter is presently before the Court regarding Plaintiff's motion for oral argument, motion for leave to reply to Defendant's answer, and motion to amend the scheduling order. (ECF Nos. 31; 44; 49).

I. Plaintiff's Motion for Oral Argument (ECF No. 31)

On November 14, 2022, Plaintiff filed a motion requesting the Court to allow oral argument on Plaintiff's then pending motion for default judgment. (ECF No. 31). Magistrate Judge Stafford issued a Report and Recommendation that Plaintiff's motion for default judgment be denied, which was adopted by District Judge Michelson. (ECF Nos. 33; 35). As the motion that Plaintiff seeks

oral argument on has already been adjudicated, the Court sees no value in allowing oral argument on this matter. The motion for oral argument is **DENIED AS MOOT**. (ECF No. 31).

II. Plaintiff's Motion for Leave to Reply to Defendant's Answer (ECF No. 44)

On February 7, 2023, Plaintiff sought leave to reply to Defendants answer, citing Eastern District of Michigan Local Rule 7.1 (e)(1). Local Rule 7.1 (e)(1) provides the standard briefing schedule for responses and replies to *motions*. An answer is not a motion and allowing a reply to an answer is not accepted practice. And Federal Rule of Civil Procedure 7(a) lists the permissible pleadings and provides that a reply to an answer is permissible only “if the court orders one.” Fed. R. Civ. P. 7(a)(7).

Plaintiff's motion is **DENIED**. (ECF No. 44).

III. Plaintiff's Motion to Amend the Scheduling Order (ECF No. 49)

On February 9, 2023, Plaintiff filed a motion to modify the scheduling order. (ECF No. 49). Plaintiff states “[a]ll of the evidence in existence surrounding this issue is already in the possession of defendant and plaintiff and filed on record in this court.” (*Id.* at PageID.179). Plaintiff seeks the Court to limit discovery to 30 days, eliminate preliminary witness lists, and motions to amend pleadings. (*Id.*).

As provided by Federal Rule of Civil Procedure 16(b), a court's scheduling order may be modified only for good cause and with the judge's consent. Good

cause is met by determining the moving party's diligence in attempting to meet the scheduling order and whether the opposing party will suffer prejudice by amending the scheduling order. *Leary v. Daeschner*, 349 F.3d 888, 906 (6th Cir. 2003).

This Court's scheduling order sets a reasonable time for discovery and the Court does not see good cause to shorten discovery now. Plaintiff's motion is **DENIED**. (ECF No. 49).

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: April 6, 2023,

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on April 6, 2023.

s/Kristen MacKay
Case Manager
(810) 341-7850